

DOCKET NO.: CHIR-0160
356.001



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Scarlato et al.

Serial No.: 09/303,518

Group Art Unit: 1631

Filing Date: April 30, 1999

Examiner: J. Lundgren

For: NEISSERIAL ANTIGENS

DATE OF DEPOSIT: 7/26/2000
I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE AS FIRST
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DC 20231.

TYPED NAME: Mark J. Rosen
REGISTRATION NO.: 39,822

BOX SEQUENCE

Assistant Commissioner for Patents
Washington DC 20231

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE**

In response to the "Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" dated May 26, 2000, a response to which is due July 26, 2000, enclosed herewith is:

- ☒ Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;
- ☒ Sequence Listing (pp. 1- 976);

DOCKET NO.: CHIR-0160
356.001


- 2 -

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- ☒ Copy of the computer readable form of amended Sequence Listing;
- ☒ Copy of Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- ☒ Petition for Extension of Time;
- ☐ Other:

The Commissioner is hereby authorized to charge any underpayment associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

Date: 7/26/2000



Mark J. Rosen
Registration No. 39,822

Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

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In Re Application of: Scarlato et al.

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WASHINGTON, DC 20231.

Mark J. Rosen
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REGISTRATION NO.: 39,822

Box ☒ SEQUENCE

☐ AF

Assistant Commissioner for Patents
Washington DC 20231

Sir:

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action dated May 26, 2000.
- ☐ An Amendment Supplemental to the Paper filed _____.

DOCKET NO.: CHIR-0160
356.001

- 2 -

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- ☐ Other: _____.
- ☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 was established in a previous submission.
- ☐ A Statement Claiming Small Entity Status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☐ Substitute Pages _____ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ _____ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: _____
_____ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
 - ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: _____.
- ☒ Other Material as follows: Sequence Listing (pp. 1-976); copy of Sequence Listing in computer readable form; Statement to Support Filing and Submission; Response to Notice to Comply with Sequence Requirements; copy of Notice to Comply.

DOCKET NO.: CHIR-0160
356.001

- 3 -

FEE CALCULATION

☐ No Additional Fee is Due.

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				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	24	24 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$ -0-
INDEP. CLAIMS	5	5 (3 MINIMUM)	0	\$39 EACH	\$	\$78 EACH	\$ -0-
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$130	\$	\$260	\$
<input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$110.00
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$190	\$	\$380	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$435	\$	\$870	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$680	\$	\$1360	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$925	\$	\$1850	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE							\$110.00


☒ A Check is Enclosed in the Foregoing Amount Due.

☒ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **May 26, 2000** to and through **July 26, 2000** comprising an extension of the shortened statutory period of **one** month.

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.
- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: 7/26/2000


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Registration No. 39,822

Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
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Application No.: **09/303,518**

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE